

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

ROBERT CARSWELL,

Petitioner,

v.

Case No. 5:93-cr-25 (HL)

UNITED STATES OF AMERICA,

Respondent.

ORDER

Before the Court is Petitioner's Motion for Leave to Appeal In Forma Pauperis (Doc. 226). Petitioner has also filed a Motion to Reserve Banking & Banking Rights (Doc. 227).

The Court will first consider Petitioner's Motion to Appeal In Forma Pauperis. “[A]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.” 28 U.S.C. § 1915(a)(3). In the context of this statute, good faith means that the litigant seeks the review of issues that are not frivolous from an objective standard. United States v. Wilson, 707 F. Supp. 1582, 1583 (M.D. Ga. 1989).

It is within the sound discretion of the Court to determine whether an appeal is taken in good faith. See Adkins v. E.I. Du Pont de Nemours & Co., 335 U.S. 331, 69 S.Ct. 85 (1948). Petitioner has not pointed the Court to any non-frivolous issues that he intends to pursue on appeal. The Court certifies that

Petitioner's appeal is not taken in good faith. Petitioner is not entitled to have the fees waived for his appeal.

Petitioner's Motion for Leave to Appeal In Forma Pauperis (Doc. 226) is denied. Petitioner is advised to consult Rule 24(a)(5) of the Federal Rules of Appellate Procedure.

Turning next to Petitioner's Motion to Reserve Banking & Banking Rights (Doc. 227), the Court is without jurisdiction to rule on the merits of the motion. Petitioner filed his Notice of Appeal (Doc. 223) before submitting his Motion to Reserve Banking & Banking Rights. Because the motion does not appear to seek an "order in aid of an appeal," the Court may not properly rule on the motion. Fed.R.App.P. 4(b); Shewchun v. United States, 797 F.2d 941, 942 (11th Cir. 1986).

SO ORDERED, this the 11th day of September, 2013.

s/Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

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